

Sulak Weinert
Van Zandt Winfield

Absent—Excused

Lemens Spears

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Nelson
Brownlee	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Martin	Sulak
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield

Nays—2

Beck Burns

Present—Not Voting

Hill

Absent—Excused

Lemens Spears

House Bill on First Reading

The following bill received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 148, to the Committee on Public Health.

House Concurrent Resolution 43

The President laid before the Senate the following resolution received from the House today:

H. C. R. 43, Authorizing correction of H. B. No. 351.

The resolution was read; and by unanimous consent, it was considered at this time and was adopted.

Adjournment

On motion of Senator Weinert, the Senate, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

Reports of Committee on Engrossed Bills

Austin, Texas,
February 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 6 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 21, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 34 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

TWENTY-SIXTH DAY

(Thursday, February 23, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Moore.

The roll was called, and the following Senators were present:

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Communications

The President Pro Tempore laid before the Senate, and had read, the following communications:

Washington, D. C.,
February 20, 1939.

Hon. Weaver Moore, President Pro Tempore, Texas State Senate, Austin, Texas.

Re Senate Resolution prior to receipt, had introduced in Senate bill directing Interstate Commerce Commission to equalize interterritorial rates and remove discriminations and inequalities. Glad to have your resolution.

TOM CONNALLY.

United States Senate,
Committee on Public Buildings and Grounds

Washington, D. C.,
February 20, 1939.

Hon. Weaver Moore, Texas State Senate, Austin, Texas.

My Dear Friend:

Herewith I hand you copy of bill I have today introduced together with a brief statement in connection with my efforts to remove freight rate discriminations in our section. I know you and your fellow members of the Senate will be interested.

With cordial regards and best wishes, I am,

Sincerely,

TOM CONNALLY.

House of Representatives U. S.
Committee on the Judiciary

Washington, D. C.,
February 20, 1939.

Hon. Weaver Moore, President Pro Tempore of the Senate, Austin Texas.

My Dear Senator Moore:

This will acknowledge the receipt of and thank you for a copy of Senate Resolution No. 23, in support of legislation to equalize freight rates as between the various regions of the United States.

Sincerely yours,

HATTON W. SUMNERS.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 74, A bill to be entitled "An Act creating a State Bar, constituting it an administrative agency of the judicial department of the State, defining the powers thereof, prescribing the membership thereof, and prohibiting those not members from practicing law; empowering the Supreme Court to adopt and promulgate rules and regulations for the admission to the practice of law, disciplining, suspending, and disbarring attorneys at law; for the conduct of the State Bar; prescribing a code of ethics governing the conduct of the members prescribing and limiting the fees to be paid by members, collection and disbursement thereof; preserving the right of trial by jury in disbarment proceedings; providing for repeal of all laws in conflict, and declaring an emergency." (With engrossed rider.)

H. B. No. 288, A bill to be entitled "An Act amending Article 307, Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 201 of the Regular Session of the Forty-fourth Legislature, page 438, Chapter 176 (1935), exempting graduates of certain law schools from the bar examinations, and declaring an emergency."

H. B. No. 374, A bill to be entitled "An Act providing for the holding of college entrance examinations; authorizing the setting up of rules and regulations necessary thereto; providing for the setting up of a system of fees and for the depositing of fees; describing college entrance examination funds; providing no debt shall be created against said fund and providing for a balance in said fund, and declaring an emergency."

H. B. No. 430, A bill to be entitled "An Act ratifying and confirming, subject to the consent and approval

of the Congress of the United States, an agreement and compact between the States of New Mexico and Texas, pertaining to the construction and maintenance of the Alamogordo Reservoir upon the Pecos River in the State of New Mexico, and providing for agreement on the part of the State of New Mexico pertaining to the use of the waters of the Pecos River, and declaring an emergency."

H. B. No. 632, A bill to be entitled "An Act authorizing cities and towns having a population of not less than four thousand (4,000) inhabitants, within counties of this State having a population of not less than three hundred thousand (300,000) inhabitants and not more than three hundred and fifty thousand (350,000) inhabitants, according to the last preceding Federal Census, to attach land and territory not in any town or city and within one mile of the limits of such towns or cities for zoning purposes; defining such purposes; extending the police power of such towns and cities to include land and territory so attached and the residents and owners thereof for the purpose of enforcing its zoning ordinances; authorizing the appointments of residents of the territory so attached on the Zoning Commission and Board of Adjustment of such cities and towns; authorizing such towns and cities to fix and enforce penalties for the violation of the zoning ordinances of such towns and cities; providing if any part of this Act is held to be unconstitutional or invalid for any reason the remaining portion of this Act shall be effective and not affected by such decision; making conflicting laws inapplicable to zoning of such attached territory; providing that this Act shall be cumulative of all laws not inconsistent herewith; and declaring an emergency."

H. C. R. No. 41. Indorsing the plan for a great National Patriotic Revival, and authorizing and requesting the Governor to direct and arrange suitable observance of Flag Week.

H. C. R. No. 46. Endorsing Joseph C. Hutcheson for membership in the Supreme Court.

H. C. R. No. 47. Urging Congress to pass the appropriation bill for the

eradication of the pink boll worm now before the Congress.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Bills on First Reading

By unanimous consent, the following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Hardin:

S. B. No. 226, A bill to be entitled "An Act defining and declaring certain telephone companies and business public utilities as virtual monopolies and subjecting the same to the power and jurisdiction of the Railroad Commission of Texas to regulate and enact rules and regulations, orders and decisions of the business of the same, and requiring of said utilities compliance with such rules and regulations, orders and decisions, safe, sufficient and adequate service; excepting from the provisions hereof plants owned by municipalities; fixing certain maximum charges; requiring charges of said public utilities for services and commodities to be reasonable, non-discriminatory and adequate, and providing for the reimbursement of charges collected in excess of permitted or reasonable charges to persons entitled thereto; conferring on said Commission power to subscribe methods of accounts, to require the filing of reports and schedules to determine the rates, charges, returns and practices of said utilities upon application or its own initiative; prohibiting discrimination in rates, charges or compensations received by said utilities with certain exceptions; providing for retaining control by municipal governments but permitting appeal to the Commission by the utility; providing for judicial review of acts, orders and decisions of the Commission and the conduct thereof and of appeals, and conferring jurisdiction on the District Courts, Courts of Civil Appeals, and the Supreme Court in such cases; providing for the enforcement of the Commission's decisions and the provisions of this Act by mandamus, injunction, mandatory injunction, and receivership and penalty for the violation of same, and conferring jurisdiction on the District Courts and

providing for appeals in such cases; requiring utilities subject to this Act to maintain offices and keep records within certain counties or municipalities; requiring said utilities and their officers, agents and employees to obey the orders of the Commission in providing penalties for violation of same and for the enforcement thereof; requiring reports of annual income and levying a gross receipts tax on the incomes of said utilities, and authorizing the Commission to employ an expert and other assistants, and directing the State Treasurer to make disbursements of salaries and expenses approved by the Commission; etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Head:

S. B. No. 227, A bill to be entitled "An Act declaring the policy of the State in regard to the extension and development of free public library service in all parts of the State; providing for a Texas Library and Historical Commission of six (6) members; creating a Division of Public Libraries in the Texas State Library; stating the purpose, powers, and duties of the Commission, the State Librarian and Division Directors, and requiring annual reports including a survey of public library facilities in the State; providing for the administration of State aid to free public libraries; providing for a State Board of Library Examiners for the certification of public librarians; revising the county library laws and providing for combined county and school libraries; amending Articles 5434, 5435, 5436, 5441, 5445, 5446, 1678, 1679, 1686, 1687, and 1694 of the Revised Civil Statutes of 1925; repealing Article 1682; amending Title 89 of the Revised Civil Statutes of 1925 by adding thereto new sections to be known as Articles 5446a and 5446b, and amending Title 35 by adding thereto a new section to be known as Article 1694a; and declaring an emergency."

Referred to Committee on Finance.

By Senator Cotten:

S. B. No. 228, A bill to be entitled "An Act to amend Article 8309, Revised Civil Statutes of Texas, 1925, by adding thereto a new section immediately following Section 2, to be known as Section 2a, to authorize em-

ployers to apply to the Industrial Accident Board for a permit to become self-insurers; to insure their own liability, or any part of it, and to pay the compensation provided for in part 1 of this law when such permit is granted; to empower the Industrial Accident Board to grant such permits; to make, establish and promulgate reasonable rules and requirements governing the application for such permits and the granting of same; to make and revise, alter, amend, change, enforce and revoke such permits; and such other rules and regulations that said Board may deem necessary to enable such self-insurers to consistently comply with the requirements and the spirit and purpose of this law; repealing all laws and parts of laws in conflict with this Act in so far as the same may relate to and affect this Act, and declaring an emergency."

Referred to Committee on Insurance.

By Senator Cotten:

S. B. No. 229, A bill to be entitled "An Act to amend Article 4691, Chapter 1, Title 78, Revised Civil Statutes of Texas, 1925, relating to the examination of insurance companies by one or more examiners and to require free access to all books and records of companies, or agents thereof so as to make provision for the appointment of a conservator in case of the insolvency of such companies, or where a continuation of the business thereof is hazardous to policyholders and the public, and for the rehabilitation, re-insuring or liquidation of such company under the jurisdiction of the Board of Insurance Commissioners, and to vest the powers, duties and prerogatives now given the Chairman of the Board, as such chairman, in the Board as a whole; providing that the unconstitutionality of any part of this Act shall not affect the validity of the remaining parts; repealing all laws and parts of laws in conflict herewith, in so far as they may relate to this Act and declaring an emergency."

Referred to Committee on Insurance.

By Senator Cotten:

S. B. No. 230, A bill to be entitled "An Act providing that if any Judge of the Supreme Court, of the Court of Criminal Appeals, or of any Court of Civil Appeals, or any District

Court in this State shall request, recommend to, or endorse any person for any position or office in this State the salary of which is paid in whole or in part by the State, to the person or officer charged with the duty of filling such position or office, he shall be deemed and held to be guilty of a misdemeanor and upon conviction be punished by a fine not to exceed one thousand dollars (\$1,000.00) and shall be removed from office, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Stone of Galveston:

S. B. No. 231, A bill to be entitled "An Act exempting from all State and County, ad valorem and occupation taxes certain office buildings of the Texas Congress of Parents and Teachers, providing a saving clause and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Small:

S. B. No. 232, A bill to be entitled "An Act creating a Special Road Law for Carson County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 31st, 1939, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, time warrants, or funding warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the Commissioners' Court and of the County officials of said county in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Spears:

S. B. No. 233, A bill to be entitled "An Act amending Section 5, Article 5142b, of the Revised Civil Statutes of Texas, 1925, as amended, providing for compensation of Probation Of-

ficers of all such counties, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Spears:

S. B. No. 234, A bill to be entitled "An Act authorizing the Commissioners' Court of counties having a population of not less than 290,000 inhabitants, according to the last preceding, or any subsequent, Federal Census to appoint a County Building Inspector and Assistants, providing for the payment of salary to such appointees, providing for the issuance of building permits by such inspector, and authorizing a charge therefor, exempting Federal, State, County, City Governments and other political subdivisions thereof from the provisions of this Act, prescribing penalties for failure to secure permits, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Spears:

S. B. No. 235, A bill to be entitled "An Act amending Article 1934 of the Revised Civil Statutes of Texas, of 1925, as amended, so as to provide for a salary for the special judge, elected or appointed to serve in place of the regular judge, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Spears:

S. B. No. 236, A bill to be entitled "An Act amending Article 1932 of the Revised Civil Statutes of Texas, of 1925, as amended, so as to provide for a salary for special judge in probate matters, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Spears:

S. B. No. 237, A bill to be entitled "An Act amending Article 4858-A, Chapter 8, Title 78, of the Revised Civil Statutes of the State of Texas by providing that every Fraternal Benefit Society, organized or licensed under the provision of Chapter 8, of Title 78, of the Revised Civil Statutes of Texas is declared to be a charitable and benevolent institution, and all of the funds of such fraternal benefit society, and when the same are invested in bonds or mortgages, or

in land or other property which has been or shall hereafter be bought in by such fraternal benefit society under foreclosure sale made to satisfy or protect such bonds or mortgages; and all buildings used exclusively for lodge purposes by said fraternal benefit society and its subordinate lodges, shall be exempt from all and every state, county, district, municipal and school tax, including occupation taxes; provided that such exemption of such land and property bought in under such foreclosure sale by said fraternal benefit society shall continue for two years after the purchase of same at such sale by such fraternal benefit society and no longer.

Referred to Committee on Insurance.

By Senators Graves, Isbell and Hill:

S. B. No. 238, An Act to be entitled "An Act to amend Sections 2, 5, 7, 8, 13, 15, 23 and 25 of Article 2997a of the Revised Civil Statutes of Texas, 1925, as amended by the Acts of the Forty-fifth Legislature Second Called Session 1937 by providing that a voting machine approved by the Secretary of State must be constructed with certain requirements, with facilities for voting for candidates legally placed on a ballot, for permitting a voter in a general election to vote for any person for any office, for permitting voting in absolute secrecy and provide for the numbering of votes as they are cast and for that purpose have a public numbering counter, must also have a protective numbering counter; providing that such voting machines must also prevent voting for a candidate or on a proposition for whom or on which he is not lawfully entitled to vote and prevent voting for more than one person for the same office and for the same person twice, and must be provided with certain locks or a lock; providing that the county commissioners court of a county which has adopted voting machines shall provide voting machines for each voting precinct designated; providing that the county commissioners court of any county which has adopted voting machines for that county or any portion thereof may divide their respective counties into convenient election precincts containing any number of qualified voters; pro-

viding for the publication of such order; providing for the delivery to the Tax Assessor and Collector a certified copy of such last order; providing that the commissioners court shall divide any city or town into as many election precincts as they may see proper; providing that cities and towns, towns and villages shall not necessarily constitute election precincts and that no precinct shall be made out of parts of two (2) wards; etc., and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Sulak:

S. B. No. 239, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five years beginning with the taxable year 1939 all the State ad valorem taxes, not heretofore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and that the assessor and collector in each county shall forward his report to the Comptroller covering said collections and shall pay over to the County Treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes; requiring said assessor and collector to forward a duplicate copy of the receipt given him by county treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Brownlee (by request):

S. B. No. 240, A bill to be entitled "An Act regulating fishing in Burnet, Llano, San Saba, and Travis Counties; providing for size and bag

limits of fish caught or taken from waters in such counties and making it unlawful to take or catch fish from the waters of Buchanan, Inks, Marshall Ford, Marble Falls, and Tom Miller Lakes except by certain means or the use of certain devices; providing for a closed season in such lakes and make exceptions; regulating the sale or transportation of minnows; providing a universal fishing license for such counties; and providing a penalty and declaring an emergency."

Referred to Committee on Game and Fish.

By Senator Small:

S. B. No. 241, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of Texas, as amended by Chapter 120, Acts of the Forty-fourth Legislature, Regular Session, providing for the use of sweet gas under certain conditions for the manufacture of carbon black; and providing for the use of sweet gas for the extraction of natural gasoline therefrom when the residue is returned to other oil or gas bearing horizons; and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

By Senator Small:

S. B. No. 242, A bill to be entitled "An Act making an appropriation for the 'Upper Red River Flood Control and Irrigation District'; designating who shall have authority to execute vouchers; limiting the purposes for which the money may be spent; and declaring an emergency."

Referred to Committee on Finance.

Conference Committee on Senate Bill 159

Senator Spears called S. B. No. 159 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill, with the House amendments, before the Senate.

Senator Spears moved that the Senate do not concur in the House amendments to the bill, and that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President Pro Tempore appointed the following conferees on the bill on the part of the Senate:

Senators Spears, Stone of Galveston, Kelley, Lanning and Moffett.

Conference Committee on Senate Bill 175

Senator Spears called S. B. No. 175 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill, with House amendments, before the Senate.

Senator Spears moved that the Senate do not concur in the House amendments and that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President Pro Tempore appointed the following conferees on the bill on the part of the Senate:

Senators Spears, Nelson, Graves, Martin and Van Zandt.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 197, A bill to be entitled "An Act ratifying and confirming, subject to the consent and approval of the Congress of the United States, an agreement and compact between the States of New Mexico and Texas, pertaining to the construction and maintenance of the Alamogordo Reservoir upon the Pecos River in the State of New Mexico, and providing for agreement on the part of the State of New Mexico pertaining to the use of the waters of the Pecos River,"

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 4, A bill to be entitled "An Act to repeal Section 20 of Chapter 76 of the Acts of the Forty-fourth Legislature, Regular Session of 1935, as amended by Section 1, Chapter 2 of the Acts of the Forty-fifth Legislature, Regular Session of 1937, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Committee Substitute therefor do pass and be printed.

PACE, Chairman.

Austin, Texas,
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 281, A bill to be entitled "An Act creating a special road law for Potter County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding Forty-two Thousand Dollars (\$42,000) outstanding against its Road and Bridge Fund as of January 1, 1939, by the issuance of funding bonds and setting forth the method of issuing same; validating all acts of the Commissioners Court and of the county officials of said county in authorizing the levying of taxes to pay principal and interest thereon and in the issuing and delivering of said warrants; prescribing the duties of the Attorney General and of the Comptroller of Public Accounts in reference to the bonds authorized herein; providing that the provisions of this law shall take precedence over all laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. C. R. No. 21, A resolution "Authorizing the Highway Department to place the insignia of the longhorn steer on the 1940 motor vehicle license plates,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 207, A bill to be entitled "An Act providing for the sale of State property purchased from funds appropriated to the State Highway Department; the manner of making such sales; the disposition to be made of the money from any such sale; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,
February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 374, A bill to be entitled "An Act providing for the holding of college entrance examinations; authorizing the setting up of rules and regulations necessary thereto; providing for the setting up of a system

of fees and for the depositing of fees; describing college entrance examination funds; providing no debt shall be created against said fund and providing for a balance in said fund; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

House Concurrent Resolutions Referred

The following concurrent resolutions, received from the House today, were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 46, Recommending appointment of Hon. Joseph C. Hutcheson to be a member of the Supreme Court of the United States.

Referred to the Committee on Civil Jurisprudence.

H. C. R. No. 41, Relating to patriotic observance of Flag Week.

Referred to Committee on State Affairs.

H. C. R. No. 47, Urging passage of legislation by Congress to aid in eradication of pink boll worm.

Referred to Committee on Agriculture.

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read severally first time, and referred to the committees indicated:

H. B. No. 74, to the Committee on Civil Jurisprudence.

H. B. No. 632, to the Committee on Civil Jurisprudence.

H. B. No. 430, to Committee on State Affairs.

H. B. No. 374, to the Committee on Education.

H. B. No. 288, to the Committee on Civil Jurisprudence.

House Concurrent Resolution 27

The President Pro Tempore laid before the Senate for consideration at this time:

H. C. R. No. 27, Relating to title of State to submerged coastal lands.

The resolution was read and was adopted.

House Concurrent Resolution 46

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 46, Recommending appointment of Hon. Joseph C. Hutcheson as a member of the Supreme Court of the United States.

The President laid the resolution before the Senate, and it was adopted.

Senate Bill 21 on Second Reading

Senator Shivers moved that the rule adopted pursuant to Section 5 of Article III of the Constitution, relative to the consideration of bills during the first 60 days of the regular session of the Legislature be suspended and that S. B. No. 21 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

On motion of Senator Shivers and by unanimous consent, Senate Rule 31a was suspended to permit consideration of S. B. No. 21 at this time.

The President Pro Tempore laid before the Senate as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 21, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Section 4, Sec-

tion 7, Section 13, and Section 19 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended by Section 1, Section 2, Section 3, Section 5, and Section 7, respectively, of Chapter 67, Acts of the Forty-fifth Legislature, Regular Session, and Section 5, Section 6, Section 8, Section 9, Section 14, and Section 16 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session; imposing a tax on employers of six or more persons; providing for benefits; fixing benefit eligibility conditions and certain disqualifications for benefits; providing a merit rating for determining the amount of contributions by employers; fixing the duration of coverage; making provisions with reference to the administration of the Unemployment Compensation Fund; and with reference to the administration of the Unemployment Compensation Administration Fund; providing additional means for the enforcement of the collection of contributions; adding certain penalty provisions; defining certain additional terms; adding new sections to be known as Section 19-A and Section 19-B, which provide for the effective date of this Act and for the repeal of all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Shivers offered the following (committee) amendments to the bill:

(1)

To amend Section 1 by striking out in Sec. 3(b) thereof the words "of his highest quarterly earnings in his base period" and substituting in lieu thereof the words "of his wages earned from employment by employers during that quarter in his base period in which such wages were highest."

(2)

To amend Section 3 by striking out all of Sec. 5(a) thereof and substituting in lieu thereof the following:

"Section 5(a). If the Commission finds that he has left his last employment voluntarily without good cause. Such disqualification shall be for not less than one (1) nor more than eight (8) benefit periods immediately following the filing of a valid claim, as determined by the Commis-

sion according to the circumstances in each case."

(3)

To amend Section 3 by striking out in Sec. 5(b) thereof the word and figure "four (4)" and substituting in lieu thereof the word and figure "eight (8)".

The amendments were adopted severally.

(Senator Weinert in the Chair.)

Senator Shivers offered the following (committee) amendments to the bill:

(4)

To amend Section 3 by substituting a semicolon for the period at the end of Sec. 5(f) thereof and adding the following:

"provided, that in no case shall the number of benefit periods so deducted exceed the number of benefit periods during which the claimant is then eligible to receive benefits except for such disqualification."

(5)

To amend Section 4 by adding in Sec. 7(c)(5) thereof, after the word "section" and before the word "shall" in the first sentence thereof the following:

"and interest earned on the fund."

(6)

To amend Section 12 by striking out all of Sec. 19-B thereof and substituting in lieu thereof the following:

"Section 19-B. The provisions of this Act shall repeal all parts of Chapter 482, General Laws of the Forty-fourth Legislature, Third Called Session, as amended by Chapter 67, General Laws of the Forty-fifth Legislature, Regular Session, in conflict herewith, and all laws or parts of laws in conflict herewith, but shall in no way be construed as forfeiting or waiving rights to collect contributions, interest, or penalties that have accrued under said Chapter, nor the right of prosecution for violating any provision thereof; provided, that any individual becoming unemployed and otherwise eligible during a benefit year established subsequent to April 1, 1938, and prior to the effective date

of this Act, shall be paid during such benefit year only those benefits established by his most recent determination applicable to such benefit year and prior to the effective date of this Act, except that the Commission may determine the method of making such payments in accordance with the other provisions of this Act."

(7)

To amend Section 8 by striking out in Sec. 14 thereof paragraph (b) and substituting in lieu thereof the following:

"(b) Collections: If, after due notice, any employer defaults in any payment of contributions, penalties or interest thereon, the amount due shall be collected by civil action in the name of the State and the Attorney General, and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect contributions, penalties or interest thereon from an employer shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this Act and cases arising under the Workmen's Compensation Law of this State.

(8)

To amend Section 8 by striking out in Sec. 14 thereof paragraphs (d), (e), and (f) and substituting in lieu thereof the following:

"(d). If any employer fails or refuses to pay any contributions, penalties or interest within the time and manner provided by this Act, or by the rules or regulations adopted by the Commission hereunder, and it becomes necessary to bring suit or to intervene in any manner for the establishment or collection of said claim in any judicial proceeding, any report filed in the offices of the Texas Unemployment Compensation Commission by such employer or his agents or representatives, or a certified copy thereof certified to by the Chairman or any member of said Commission, or the Chief Accountant of said Commission, showing the amount of wages paid by such employer or his agents or representatives, with respect to which contributions, penalties or interest have not been paid, or any audit made by the Texas Unemployment Compensation Commission or

its representatives from the books of such employer when signed and sworn to by such representative as being made from the records of said employer, such report or audit shall be admissible in evidence in such proceedings and shall be prima facie evidence of the contents thereof; provided, however, that the incorrectness thereof; provided, however, that the incorrectness of said report or audit may be shown.

"(e). In the event the Attorney General shall file suit or a claim for contributions, penalties or interest, as provided in this Act, and attach or file as an exhibit any report or audit of such employer, and an affidavit made by any member of the Texas Unemployment Compensation Commission, or any representative of the Commission, that the contributions, penalties or interest shown to be due by said report or audit are past due and unpaid, that all payments and credits have been allowed, then, unless the party resisting the same shall file an Answer in the same form and manner as provided by Article 3736, Revised Civil Statutes of Texas of 1925, as amended by Chapter 239, Acts of the Regular Session of the Forty-second Legislature, said Audit or report shall be taken as prima facie evidence thereof, and the proceedings of said article are hereby made applicable to suits to collect contributions, penalties or interest hereunder.

"(f). All contributions, penalties, and interest due by any employer to the fund shall become a lien upon all the property both real and personal of any employer, used by such employer in performing or aiding in the performance of the service which his employees have contracted to perform on his behalf. Such lien shall attach at the time any contributions or penalties or interest become delinquent as provided herein."

(9)

To amend Section 8 by adding a new paragraph in Sec. 14 thereof to be numbered paragraph (k), as follows:

"(k). Whenever it shall appear that any individual or employing unit is violating or threatening to violate any of the provisions of this Act, or of any rule, regulation or order of the Commission promulgated under this Act, relative to the col-

lection of contributions, penalties or interest, or the filing of reports relative to employment, the Commission, through the Attorney General, shall bring suit, in the name of the State of Texas against such employing unit or individual in any court of competent jurisdiction in the county of the residence of the defendant, or if there be more than one defendant in the county of the residence of any of them, or in the county in which such violation is alleged to have occurred, to restrain such person or employing unit from violating such statute, or such rules, regulation or order of the Commission, or any part thereof, and in such suit the Commission, in the name of the State of Texas may obtain such injunctions, prohibitory and mandatory, including temporary restraining orders and temporary injunctions, as the facts may warrant.

"The violation by any person or employing unit of any injunction granted under the provisions of this Act shall be sufficient grounds for the appointment by the court, either upon its own motion or that of the Commission in the name of the State of Texas, of a receiver to take charge of such properties of such person or employing unit and to exercise such powers as in the judgment of the court shall be necessary in order to bring about compliance with such injunction; provided, however, that no such receiver shall be appointed except after notice and hearing. The power to appoint a receiver as herein provided shall be in addition to and cumulative of the power to punish for contempt."

(10)

To amend Section 5 by striking out in Sec. 8(c) thereof the word and figure "six (6)" and substituting in lieu thereof the word and figure "eight (8)"; and

To amend Section 10 by striking out in Sec. 19(f) thereof all of paragraphs (1)(A) and (B) and substituting in lieu thereof the following:

"(1). Any employing unit which for some portion of a day but not necessarily simultaneously, in each of twenty (20) different weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year, has or had in employment eight (8) or more individuals (irrespective of whether

the same individuals are or were employed in each such day);"

The (committee) amendments (4), (5), (6), (7), (8), (9) and (10) were adopted severally.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 21 by adding a new section to be known as Sec. 8A. to read as follows:

(1) As used in this section, the terms "seasonal industry" means an industry in which, because of the seasonal nature thereof, it is customary to lay off 40% or more of the workers for as many as eight weeks during a regularly recurring period of each year. The Commission shall, after a study of previous employment records and after investigation and hearing, determine, and may thereafter, from time to time, redetermine, the normal seasonal period or periods during which workers are ordinarily employed for the purpose of carrying on seasonal operations in each seasonal industry. Until such determination by the Commission, no industry shall be deemed to be seasonal.

(2) The term "seasonal worker" means an individual who is ordinarily employed in a seasonal industry, except that the term shall not include workers in occupations which, after the Commission has studied the nature thereof and the employment records of workers engaged therein, are found to be occupations in which employment regularly continues throughout substantially all the year.

(3) The Commission shall prescribe fair and reasonable general rules applicable to seasonal workers for determining the period during which benefits shall be payable to them. The Commission may prescribe fair and reasonable general rules with respect to such other matters relating to benefits for seasonal workers as the Commission finds necessary and consistent with the policy and purposes of this Act. Rules prescribed pursuant to this paragraph shall, with respect to such workers, supersede any inconsistent provisions of this Act, but so far as practicable shall secure results reasonably similar to those provided in the analogous provisions of this Act.

The amendment was adopted.

On motion of Senator Shivers, the caption was amended to conform to changes in the body of the bill.

The bill then was passed to engrossment.

Senate Bill 21 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 21 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

(President Pro Tempore in the Chair.)

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Moffett offered the following amendment to the bill:

Amend S. B. No. 21, line 34, page 12, by striking out "January" and substituting "March."

The amendment was adopted unanimously.

The bill was passed by the following vote:

Yeas—31

Aikin	Head
Beck	Hill
Brownlee	Isbell
Burns	Kelley
Collie	Lanning
Cotten	Lemens
Graves	Martin
Hardin	Metcalfe

Moffett
Moore
Nelson
Pace
Redditt
Roberts
Shivers
Small
Spears

Stone
of Galveston
Stone
of Washington
Sulak
Van Zandt
Weinert
Winfield

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 11, That each House grant the other permission to adjourn from Wednesday, March 1, 1939, to Monday, March 6, 1939.

S. C. R. No. 12, That S. B. No. 173 be returned to the Senate for the purpose of a more thorough consideration and revision.

The House has concurred in Senate amendments to H. B. No. 311, by a vote of 132 yeas, 3 noes.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Senate Bill 95 on Second Reading

Senator Hardin moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 95 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Burns	Martin
Collie	Metcalfe
Cotten	Moffett
Graves	Moore
Hardin	Nelson
Head	Pace
Hill	Redditt
Isbell	Roberts

Shivers	Stone
Small	of Washington
Spears	Sulak
Stone	Van Zandt
of Galveston	Weinert
	Winfield

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 95, A bill to be entitled "An Act to amend Article 1302, Title 32, of the Revised Civil Statutes of Texas, of 1925, by adding another subdivision thereto authorizing private corporations to be created for the purpose of manufacturing, buying and selling of lumber and building materials and the construction of buildings and improvements, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 95 on Third Reading

Senator Hardin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 95 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Graves	Redditt
Hardin	Roberts
Head	Shivers
Hill	Small
Isbell	Spears
Kelley	Stone
Lanning	of Galveston
Lemens	Stone
Martin	of Washington
Metcalfe	Sulak
Moffett	Van Zandt
Moore	Weinert
Nelson	Winfield
Pace	

Senate Bill 185 on Second Reading

Senator Cotten moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 185 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

On motion of Senator Cotten and by unanimous consent, Senate Rule 31a was suspended to permit consideration of S. B. No. 185 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 185, A bill to be entitled "An Act to extend to August 31, 1939, all provisions relative to the expenditure of funds already collected under the provisions of S. B. No. 47, Acts 1937, Forty-fifth Legislature, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 185 on Third Reading

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 185 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Senate Concurrent Resolution 6

The President Pro Tempore laid before the Senate for consideration at this time:

S. C. R. No. 6, Authorizing Mrs. R. R. Jones to sue the State.

Senator Redditt offered the following amendments to the resolution:

(1)

Amend S. C. R. No. 6 by adding after the word "Whereas" and before the words "R. R. Jones" in line 1 the following:

"It is alleged that".

GRAVES.

(2)

Amend S. C. R. No. 6 by adding at the end of said resolution the following:

"It is not the intention of the Legislature to admit that any of the allegations contained herein are true. This resolution is for the sole and only purpose of authorizing said suit to be filed against the State, the facts to be determined by a court of competent jurisdiction as in civil cases."

GRAVES.

The amendments were adopted severally.

The resolution as amended then was adopted.

Senate Bill 111 on Second Reading

Senator Stone of Washington moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 111 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

Nays—2

Isbell Small

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 111, A bill to be entitled "An Act to amend Chapter 93, Acts of the First Called Session of the Forty-first Legislature of the State of Texas, further defining the duties of the Commissioner of Agriculture, providing certain safeguards for the purchasers of seed produced outside of Texas and shipped into Texas, providing that seed sold as registered and certified in Texas meet Texas standards, requiring permit to ship certain planting seed into Texas, providing fees for such permits, clarifying certain terms used under the Seed Certification program, providing penalties and declaring an emergency."

The bill was read second time.

Senator Sulak offered the following amendments to the bill:

(1)

Amend S. B. No. 111, page 2, by changing the comma after the word "agriculture" to a period, and inserting the words:

"The Commissioner of Agriculture" before the words: "through his agents".

(2)

Amend S. B. No. 111, by inserting in line 2 of subsection d between the words "cotton" and "or" the words: "seed corn, alfalfa" and in line 3 of same subsection after the word "cotton" and "or" the words "seed corn, alfalfa".

The amendments were adopted severally.

On motion of Senator Stone of Washington, the bill (as amended) was tabled subject to call.

Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 7, Endorsing efforts of New York World's Fair and San Francisco Golden Gate Exposition Commission for Texas.

S. C. R. No. 8, Relating to uses of cotton.

S. C. R. o. 10, Authorizing adjournment of House and/or Senate from March 1, 1939, to March 6, 1939.

Senate Bill 20 on Second Reading

Senator Burns moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 20 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 20, A bill to be entitled "An Act amending Chapter 212, Section 25 of the General Laws of the Regular Session of the Fortieth Legislature, 1927, and amended by Chapter 229, Regular Session of the Forty-first Legislature, 1929, relating to overtime to be allowed prisoners in the Texas Penitentiary, providing that the General Manager shall have the authority to designate the overtime rates for special work, defining what constitutes a day in overtime work and fixing the date when this Act shall become effective, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 20 on Third Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 20 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President Pro Tempore then laid S. B. No. 20 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Head	Spears
Hill	Stone
Isbell	of Galveston
Kelley	Stone
Lanning	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert

Nays—1

Winfield

Senate Bill 188 on Second Reading

Senator Spears moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 188 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Cotten
Beck	Graves
Brownlee	Hardin
Burns	Head
Collie	Hill

Isbell	Shivers
Kelley	Small
Lanning	Spears
Lemens	Stone
Martin	of Galveston
Metcalf	Stone
Moffett	of Washington
Moore	Sulak
Nelson	Van Zandt
Pace	Weinert
Redditt	Winfield
Roberts	

The President Pro Tempore laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 188, A bill to be entitled "An Act to authorize the State Treasurer and the State Comptroller to transfer certain moneys from the General Fund to the Settlement of Estates Fund, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 188 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 188 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moffett	

The President Pro Tempore then laid S. B. No. 188 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Senate Bill 170 on Second Reading

Senator Martin moved that the rule relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature be suspended and that S. B. No. 170 be considered by the Senate at this time.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

The President Pro Tempore laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 170, A bill to be entitled "An Act creating a Lien upon the recovery to guarantee to an Attorney at Law the payment of his fees in cases prosecuted on a contingent basis; authorizing contracts by attorneys for not to exceed fifty per cent of recovery for services rendered or to be rendered; providing for the enforcement of such lien and contract; providing that this Act shall not affect any other Act specifically fixing attorney's fees for particular cases;

repealing all other laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 170 by striking out the word "summons" in line 59 Sec. 3 and substitute in lieu thereof the word, "citation".

The amendment was adopted.

The bill as amended was passed to engrossment.

Senate Bill 170 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 170 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Moore
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

The President Pro Tempore then laid S. B. No. 170 before the Senate, on its third reading and final passage.

The bill was read third time and was passed.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, February 23, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 178, A bill to be entitled "An Act providing that in all counties having a total population of not more than fifteen thousand, seven hundred and twenty-five (15,725) and not less than fifteen thousand, seven hundred and fifteen (15,715), according to the last preceding Federal Census, and at the same time in all counties having a scholastic population of not more than five thousand and fifteen (5,015) and not less than five thousand and thirteen (5,013) according to the scholastic census of 1938-1939, any elementary school district in a grouped high school district may by majority vote of its people create an independent school district; providing a method of election therefor; and declaring an emergency."

The House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two Houses on S. B. No. 175. The following are conferees on the part of the House:

Dickison, Dwyer, Howard, Stinson and Johnson of Tarrant.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Adjournment

On motion of Senator Pace, the Senate, at 12:00 m., adjourned until 10:00 o'clock a. m. next Monday, February 27, 1939.

APPENDIX

Reports of Committees on Engrossed and Enrolled Bills

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 10

carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 8 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 7 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 154 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 193 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
February 22, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 33 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.